

CONTRACT #3
RFS # 317.03-132

**Department of Finance &
Administration/Office of
Information Resources**

VENDOR:
Avaya, Inc.

RULE EXCEPTION REQUEST

RECEIVED

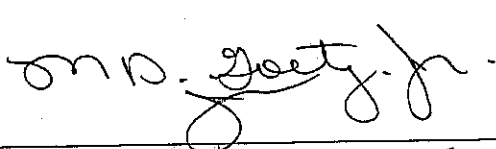
JUL 11 2005

FISCAL REVIEW

APPROVED

Commissioner of Finance & Administration

Date:

RFS #	317.03-132	STATE AGENCY:	Department of Finance and Administration
INFORMATION ABOUT THE EXCEPTION(S) REQUESTED			
SUBJECT RULE NUMBER(S)	0620-3-3.07(5)		
DESCRIPTION OF EXCEPTION(S)			
The department seeks a rule exception to permit a contract with a term of five (5) years and three (3) months.			
JUSTIFICATION FOR EXCEPTIONS: (compelling reasons for contracts rule exception; relevant background information; attach additional justification as necessary)			
<p>Since September of 2000, the State has contracted with Avaya, Inc. to provide maintenance for AT&T Paradyne network equipment, collectively referred to as the "SNA network." The State plans to sunset the SNA network in July of 2007, and will longer have a need for these maintenance services. In March of 2005, the Office for Information Resources initiated research to determine whether the State could allow the present maintenance contract to expire and provide the maintenance with State resources in the interim prior to the SNA sunset. Ultimately, OIR determined that the State could not provide this maintenance. The reasons for this determination include unavailable parts for aging equipment and proprietary aspects of the system that tracks network component failures and repairs. The decision has been made to procure an interim SNA maintenance contract using an RFP process.</p> <p>The evaluation of the State's ability to provide the maintenance directly and the RFP development process have taken longer than anticipated. Therefore, OIR requests that the existing contract with Avaya be extended an additional three (3) months, to allow sufficient time to complete the RFP process.</p>			
INFORMATION REGARDING THE APPLICABLE CONTRACT			
DESCRIPTION OF SERVICE TO BE PROCURED:			
Systems Network Architecture (SNA) Maintenance Services			
BEGIN DATE:	September 15, 2000	END DATE (including ALL options for term extension):	December 14, 2005
MAXIMUM LIABILITY (including ALL options for term extension):		\$8,000,000.00 (this extension does not increase dollars)	
AGENCY HEAD REQUEST SIGNATURE: (signed by the procuring agency head or authorized signatory)			
		SIGNATURE DATE:	7-8-05

REQUEST: NON-COMPETITIVE AMENDMENT

APPROVED

Commissioner of Finance & Administration

Date:

Each of the request items below indicates specific information that must be individually detailed or addressed as required. A REQUEST CAN NOT BE CONSIDERED IF INFORMATION PROVIDED IS INCOMPLETE, NON-RESPONSIVE, OR DOES NOT CLEARLY ADDRESS EACH OF THE REQUIREMENTS INDIVIDUALLY AS REQUIRED.

RFS #	317.03-132		
STATE AGENCY NAME	Department of Finance and Administration		
SERVICE CAPTION	Systems Network Architecture (SNA) Maintenance Services		
CONTRACT #	FA-01-14386-00	PROPOSED AMENDMENT #	3
CONTRACTOR	Avaya, Inc.		
CONTRACT START DATE	September 15, 2000		
CURRENT, LATEST POSSIBLE END DATE : (including ALL options to extend)	September 14, 2005		
CURRENT MAXIMUM LIABILITY	8,000,000.00		
LATEST POSSIBLE END DATE WITH PROPOSED AMENDMENT : (including ALL options to extend)	December 14, 2005		
TOTAL MAXIMUM COST WITH PROPOSED AMENDMENT : (including ALL options to extend)	8,000,000.00		
APPROVAL CRITERIA : (select one)	<input checked="" type="checkbox"/> use of Non-Competitive Negotiation is in the best interest of the state <input type="checkbox"/> only one uniquely qualified service provider able to provide the service		
ADDITIONAL REQUIRED REQUEST DETAILS BELOW (address each item immediately following the requirement text)			
(1) description of the proposed additional service and amendment effects :			
The present amendment will continue the current SNA Maintenance services at the existing rates, for an additional period of time sufficient to procure these services through a competitive RFP process. The amendment will not add additional dollars to the contract.			
(2) explanation of need for the proposed amendment :			
Since September of 2000, the State has contracted with Avaya, Inc. to provide maintenance for AT&T Paradyne network equipment,			

collectively referred to as the "SNA network." The State plans to sunset the SNA network in July of 2007, and will longer have a need for these maintenance services. In March of 2005, the Office for Information Resources initiated research to determine whether the State could allow the present maintenance contract to expire and provide the maintenance with State resources in the interim prior to the SNA sunset. Ultimately, OIR determined that the State could not provide this maintenance. The reasons for this determination include unavailable parts for aging equipment and proprietary aspects of the system that tracks network component failures and repairs. The decision has been made to procure an interim SNA maintenance contract using an RFP process.

The evaluation of the State's ability to provide the maintenance directly and the RFP development process have taken longer than anticipated. Therefore, OIR requests that the existing contract with Avaya be extended an additional three (3) months, to allow sufficient time to complete the RFP process.

(3) name and address of the proposed contractor's principal owner(s):
(not required if proposed contractor is a state education institution)

Donald K. Peterson, Chairman and CEO
Avaya Inc. Headquarters
211 Mt. Airy Road
Basking Ridge, NJ 07920

(4) documentation of OIR endorsement of the Non-Competitive procurement request:
(required only if the subject service involves information technology)

select one:

☐

Documentation Not Applicable to this Request

☒

Documentation Attached to this Request

(5) documentation of Department of Personnel endorsement of the Non-Competitive procurement request:
(required only if the subject service involves training for state employees)

select one:

☒

Documentation Not Applicable to this Request

☐

Documentation Attached to this Request

(6) description of procuring agency efforts to identify reasonable, competitive, procurement alternatives rather than to use non-competitive negotiation:

The Office for Information Resources (OIR) is currently developing an RFP to procure these services in a competitive manner. Due to delays, as explained above, this process has taken longer than anticipated. The present non-competitive vehicle is requested to provide time for a thorough and successful competitive procurement process.

(7) justification of why the F&A Commissioner should approve a Non-Competitive Amendment:

Reliable SNA services are essential to the operations of agencies that use the SNA network. This amendment will provide for uninterrupted SNA maintenance services until such time as a contract for these services can be competitively awarded.

AGENCY HEAD REQUEST SIGNATURE:

(must be signed by the ACTUAL procuring agency head as detailed on the Signature Certification on file with OCR — signature by an authorized signatory will be accepted only in documented exigent circumstances)

m. o. Soety. f.

SIGNATURE DATE:

7-8-05

**AMENDMENT 3
TO CONTRACT FA-01-14386-00**

This Contract, by and between the State of Tennessee, Department of Finance and Administration, hereinafter referred to as the State, and Avaya, Inc., hereinafter referred to as the Contractor, is hereby amended as follows:

1. Delete Section B.1 in its entirety and insert the following in its place:

B.1. Contract Term. This Contract shall be effective for the period commencing on September 15, 2000 and ending on December 14, 2005. The State shall have no obligation for services rendered by the Contractor which are not performed within the specified period.

The other terms and conditions of this Contract not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF:

Avaya, Inc.:

Andy Middlemiss, Area Sales Director

Date

DEPARTMENT OF FINANCE AND ADMINISTRATION:

M. D. Goetz, Jr., Commissioner

Date

APPROVED:

DEPARTMENT OF FINANCE AND ADMINISTRATION:

M. D. Goetz, Jr., Commissioner

Date

COMPTROLLER OF THE TREASURY:

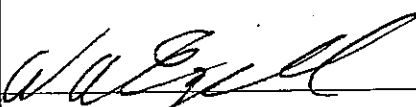
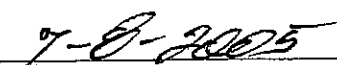
John G. Morgan, Comptroller of the Treasury

Date



STATE OF TENNESSEE

FAX TRANSMITTAL

TO:	Bill Ezell, Chief Executive Officer Office for Information Resources	FAX # 532-0471
FROM:	Travis Johnson, Contract Administrator	FAX # 532-0471
DATE:	July 8, 2005	
RFS#	317.03-132	
RE:	OIR Procurement Endorsement Documentation for — System Network Architecture (SNA) Maintenance, Contract Term Extension Amendment	
NUMBER OF FAX PAGES (INCLUDING COVER): 1		
<p>The proposed, service procurement documents referenced above are hereby forwarded to the Office for Information Resources (OIR) for review. The subject scope of services appears to include information systems services or information technology support activities.</p> <p>This communication seeks to ensure that OIR is aware of the procurement and has an opportunity to review the matter to determine whether OIR is supportive. Please indicate OIR endorsement of the procurement described by signature below and return this communication at your earliest convenience (note the return FAX number above).</p> <p>If you have any questions or concerns about this matter, please call Travis Johnson at 615-741-5727.</p> <p>Thank you for your help.</p> <p>Attachment</p>		
OIR ENDORSES THE SUBJECT PROCUREMENT REQUEST		
 Office for Information Resources		 Date



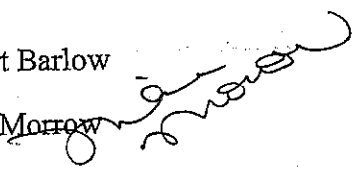
**STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION**

312 EIGHTH AVENUE NORTH
SUITE 2100 TENNESSEE TOWER
NASHVILLE, TENNESSEE 37243
(615) 741-0300
FAX (615) 532-8532

DAVE GOETZ
COMMISSIONER

MIKE MORROW
DEPUTY COMMISSIONER
FOR OPERATIONS

MEMORANDUM

TO: Robert Barlow
FROM: Mike Morrow 
SUBJECT: System Network Architecture (SNA) Maintenance Services
Designated Commissioner Signature Exigency
DATE: July 8, 2005

Since September of 2000, the State has contracted with Avaya, Inc. to provide maintenance for AT&T Paradyne network equipment, collectively referred to as the "SNA network." The State plans to sunset the SNA network in July of 2007, and will no longer have a need for these maintenance services. In March of 2005, the Office for Information Resources initiated research to determine whether the State could allow the present maintenance contract to expire and provide the maintenance with State resources in the interim prior to the SNA sunset. Ultimately, OIR determined that the State could not provide this maintenance. The decision has been made to procure an interim SNA maintenance contract using an RFP process.

The evaluation of the State's ability to provide the maintenance directly and the development of the RFP have taken longer than anticipated. Therefore, F&A requests a Rule Exception and Non-Competitive Amendment to extend the contract for an additional three (3) months, to allow time for the new RFP process.

Commissioner Goetz will not be in the office for next several days. Given the critical nature of this service and the expiration date of the current contract (9/14/2005), please accept my signature as Commissioner Goetz's designee.

CONTRACT SUMMARY SHEET

RFS Number:	317.03-024	Contract Number:	FA-01-14386-02
State Agency:	FINANCE AND ADMINISTRATION	Division:	OIR (Velvet Hunter 1-9664)
Contractor		Contractor Identification Number	
AVAYA, INC.		<input checked="" type="checkbox"/> V- <input type="checkbox"/> C-	223713430

Service Description

MAINTENANCE OF AT&T PARADYNE AND CISCO NETWORK EQUIPMENT

Contract Begin Date	Contract End Date
SEPTEMBER 15, 2000	SEPTEMBER 14, 2005

Allotment Code	Cost Center	Object Code	Fund	Grant	Grant Code	Subgrant Code
317.03	SEE SUPP.	074	12	<input type="checkbox"/> on STARS		

FY	State Funds	Federal Funds	Interdepartmental Funds	Other Funding	Total Contract Amount (including ALL amendments)
2001			\$3,500,000.00		\$3,500,000.00
2002			\$2,500,000.00		\$2,500,000.00
2003			\$1,000,000.00		\$1,000,000.00
2004			\$500,000.00		\$500,000.00
2005			\$350,000.00		\$350,000.00
2006			\$150,000.00		\$150,000.00
Total:			\$8,000,000.00		\$8,000,000.00

CFDA #		Check the box ONLY if the answer is YES:	
State Fiscal Contact Name: MAUREEN ABBEY Address: 20 TH FL. SNODGRASS TN TOWER Phone: 741-6070		Is the Contractor a SUBRECIPIENT? (per OMB A-133)	
		Is the Contractor a VENDOR? (per OMB A-133)	X
		Is the Fiscal Year Funding STRICTLY LIMITED?	
Procuring Agency Budget Officer Approval Signature 		Is the Contractor on STARS?	X
		Is the Contractor's FORM W-9 ATTACHED?	
		Is the Contractors Form W-9 Filed with Accounts?	X

COMPLETE FOR ALL AMENDMENTS (only)		
	Base Contract & Prior Amendments	This Amendment ONLY
END DATE →	9/14/05	9/14/05
FY: 2001	\$3,500,000.00	0
FY: 2002	\$2,500,000.00	0
FY: 2003	\$1,000,000.00	0
FY: 2004	\$500,000.00	0
FY: 2005	\$350,000.00	0
FY: 2006	\$150,000.00	0
Total:	\$8,000,000.00	0

Funding Certification

Pursuant to T.C.A., Section 9-6-113, I, C. Warren Neel, Commissioner of Finance and Administration, do hereby certify that there is a balance in the appropriation from which this obligation is required to be paid that is not otherwise encumbered to pay obligations previously incurred.

PROCESSED
MAR 21 2002

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 COMPTROLLER'S OFFICE
 OFFICE OF
 MANAGEMENT SERVICES

CONTRACT SUMMARY SHEET

Contract Number	FA-01- <i>14386-W</i>	State Agency	Finance and Administration
RFS Number	317.03-024	Division	Office for Information Resources Velvet Hunter 741-9664
Contractor		Vendor ID Number	
AVAYA, INC.		<input checked="" type="checkbox"/> V <input type="checkbox"/> C	223713430 - 01

Service Description
 MAINTENANCE OF AT&T PARADYNE AND CISCO NETWORK EQUIPMENT

Contract Begin Date	Contract End Date
9/15/00	9/14/05

Allotment Code	Cost Center	Object Code	Fund	Grant	Grant Code	Subgrant Code
317.03	See supplemental	074	12	<input type="checkbox"/> on STARS		

FY	State Funds	Federal Funds	Interdepartmental Funds	Other Funding	Total Contract Amount (including ALL amendments)
2001			\$3,500,000.00		\$3,500,000.00
2002			\$2,500,000.00		\$2,500,000.00
2003			\$1,000,000.00		\$1,000,000.00
2004			\$500,000.00		\$500,000.00
2005			\$350,000.00		\$350,000.00
2006			\$150,000.00		\$150,000.00
Total			\$8,000,000.00		\$8,000,000.00

RELEASED TO
 ACCOUNTS DIVISION
 JAN 19 2001
 BY OFFICE OF
 CONTRACTS REVIEW

<input type="checkbox"/> Fiscal Year Funding Is Strictly Limited <input type="checkbox"/> Contractor is on STARS <input type="checkbox"/> Current Form W-9 On File With Accounts OR <input checked="" type="checkbox"/> Form W-9 Attached <input checked="" type="checkbox"/> Service Provider Registered with F&A <input type="checkbox"/> Contractor is a SUBRECIPIENT (as defined by OMB Circular A-133)	CFDA Number State Fiscal Contact Name: Maureen Abbey Address: 20 th fl., Snodgrass TN Tower Phone: 741-6070 Procuring Agency Budget Officer Approval Signature
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COMPLETE FOR ALL AMENDMENTS (only)		
	Base Contract & Prior Amendments	This Amendment ONLY
Contract End Date		
FY		
FY		
FY		
FY		
FY		
Total		

Funding Certification

Pursuant to T.C.A., Section 9-6-113, I, C. Warren Neel, Commissioner of Finance and Administration, do hereby certify that there is a balance in the appropriation from which this obligation is required to be paid that is not otherwise encumbered to pay obligations previously incurred.

OCR Use Only

PROCESSED

JAN 19 2001

DIRECTOR OF ACCOUNTS